

THE SPEAKER PRO TEMPORE: The vote now is on the previous question. If the previous question is ordered, the vote will then be on the amendment offered by the gentleman from Georgia and then on the resolution, as amended or not.

The previous question was ordered, and separate votes were taken on the amendment and the resolution thereafter.

## § 47. Motions To Rise

### § 47.1 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out is not divisible.

On Dec. 15, 1937,<sup>(2)</sup> Mr. Lyle Boren, of Oklahoma, moved that the Committee of the Whole rise and report a Senate bill back to the House with the recommendation that the enacting clause be stricken out. Mr. Clarence E. Hancock, of New York, inquired as to whether the motion was divisible. The Chairman<sup>(3)</sup> ruled that such a motion was not divisible.

2. 82 CONG. REC. 2125, 75th Cong. 2d Sess.

3. John W. McCormack (Mass.).

## § 48. Motions To Strike Out and Insert

Rule XVI clause 7, explicitly provides that a motion to strike out and insert is indivisible.<sup>(4)</sup> Where it is proposed to strike out text and insert new language embracing several connected matters, it is not in order to demand a separate vote on each of those different propositions<sup>(5)</sup> except through an amendment process addressing all or a portion of the text proposed to be inserted.

The doctrine applies to a pending House amendment to a bill under consideration as well as to a Senate amendment. So where there is pending a House bill and a Senate amendment striking the House text and substituting new language, the motion to concur in the Senate amendment is not divisible as between concurring and amending. However, a special order, reported from the Committee on Rules or brought up by unanimous consent or under suspension, can be adopted which would subject the Senate text to separate votes on its various provisions.

### § 48.1 Where a motion to concur in a Senate amendment

4. *House Rules and Manual* §793 (1995).

5. 5 Hinds' Precedents §6124.